

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

PHILLIP SEUFFERT,

Plaintiff,

v.

**9:13-CV-1303
(FJS/DEP)**

**M. DONOVAN, Correction Officer,
Coxsackie Correctional Facility,**

Defendant.

APPEARANCES

OF COUNSEL

PHILLIP SEUFFERT

10-A-3656

Upstate Correctional Facility
P. O. Box 2001
Malone, New York 12953
Plaintiff *pro se*

**OFFICE OF THE NEW YORK STATE
ATTORNEY GENERAL**

The Capitol
Albany, New York 12224
Attorneys for Defendant

CHRISTOPHER W. HALL, AAG

SCULLIN, Senior Judge

ORDER

Currently before the Court is Magistrate Judge Peebles' February 5, 2016 Report and Recommendation, in which he recommended that this Court grant Defendant Donovan's second motion for summary judgment and dismiss Plaintiff's remaining claims. *See* Dkt. 33. The parties did not file any objections to this recommendation.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Peebles' February 5, 2016 Report and Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Peebles' February 5, 2016 Report and Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

ORDERS that Defendant Donovan's second motion for summary judgment, *see* Dkt. No. 23, is **GRANTED**; and the Court further

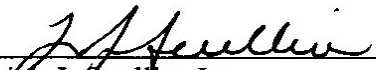
ORDERS that Plaintiff's remaining claims are **DISMISSED**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendants and close this case; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: February 26, 2016
Syracuse, New York


Frederick J. Scullin, Jr.
Senior United States District Court Judge